

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DEVAUGHN DORSEY,  
Plaintiff,  
v.  
UNITED STATES OF AMERICA,  
Defendant.

Case No. C14-938RSL

**ORDER RESTORING CASE  
AND DIRECTING THE  
UNITED STATES TO  
ANSWER § 2255 PETITION**

This matter comes before the Court *sua sponte*. Defendant Devaughn Dorsey is currently in federal custody after pleading guilty to charges related to motor-vehicle trafficking and being convicted of charges related to witness tampering. In this matter, Dorsey filed a motion to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255. Dkt. # 1. Dorsey had also filed a motion for a new trial in his criminal case, and the Court accordingly stayed briefing in the above-captioned matter pending the resolution of that motion and any subsequent appeals. See Dkt. # 12 at 3. The Court having stayed briefing in this matter, also ordered that the action be removed from the Court’s active caseload until application by the parties or order of this Court. The Court recently denied Dorsey’s motion for a new trial, Case No. CR08-245, Dkt. # 583, and the time for filing an appeal of that denial has run without Dorsey filing a notice of appeal, see Fed. R. App. P. 4(b)(1)(A).

The Court having resolved the outstanding matter in Dorsey's criminal case, therefore orders as follows:

(1) The Clerk is directed to restore this action to the Court's active caseload.

(2) Within forty-five days of this Order, the United States shall file and serve an Answer in accordance with Rule 5 of the Rules Governing Section 2255 Cases in United States District Courts. As part of its Answer, the United States shall state its position as to whether an evidentiary hearing is necessary, whether any discovery is necessary, whether there is any issue as to abuse or delay under Rule 9, and whether Petitioner's motion is barred by the statute of limitations.

(3) On the face of its Answer, the United States shall note this matter for the fourth Friday following the filing of its Answer, and the Clerk shall note the matter on the Court's docket accordingly. Petitioner may file a Reply to the Answer no later than that noting date.

DATED this 21st day of November, 2017.

Robert S. Lasnik  
Robert S. Lasnik  
United States District Judge